

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

STEVE FRANKLIN MCCOSTLIN,)	
JR.,)	
)	
Plaintiff,)	
)	Case No. 6:21-cv-01031-KOB-NAD
v.)	
)	
HENRY PRENTSS ALLRED, et al.,)	
)	
Defendants.)	

ORDER OF DISMISSAL

The plaintiff, Steve Franklin McCostlin, Jr., filed this action pursuant to 42 U.S.C. § 1983. (Doc. 1). When the order to amend sent to the plaintiff was returned to the court marked “Return to Sender”, the magistrate judge ordered the plaintiff to update his address of record and to notify the court as to whether he wished to continue prosecuting this action. (Doc. 8). Because that order also was returned to the court marked “Return to Sender” (Doc. 9), the magistrate judge entered a report and recommendation on October 29, 2021, recommending that this action be dismissed based on the plaintiff’s failure to prosecute. (Doc. 10). The magistrate judge advised the plaintiff of his right to file objections within 14 days. (Doc. 10).

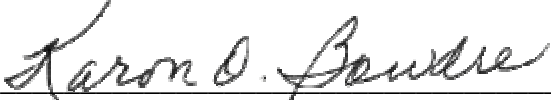
The report and recommendation has been returned to the court by the United States Postal Service as undeliverable (Doc. 11) and the time limitation for filing objections has expired. Plaintiff has failed to comply with the requirement that he

update his address with the Clerk's office, as explained in the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. Accordingly, the court **ORDERS** that this action is **DISMISSED WITHOUT PREJUDICE** because of the plaintiff's failure to prosecute.

For information regarding the cost of appeal, see the attached notice.

DONE and ORDERED this 26th day of January, 2022.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

In Replying Give Number
of Case and Names of Parties

NOTICE TO PRISONERS CONCERNING CIVIL APPEALS

The Prison Litigation Reform Act of 1995 (effective April 26, 1996) **REQUIRES** that all prisoners pay the Court's \$500.00 docket fee plus \$5.00 filing fee (for a total of \$505.00) when appealing any civil judgment.

If you wish to appeal in a civil case that Act **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$505.00 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$505.00 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10.00. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$505.00 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, BUT THE TOTAL \$505.00 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$505.00 fee is collected, even if an appeal is unsuccessful.

David J. Smith
Clerk of Court

PLRA Notice